

REMARKS

In the Final Office Action that was mailed on August 27, 2003, claims 1-9 and 12-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herman in view of Houvener et al. (U.S. Patent No. 6,202,055) ("Houvener"); claims 10-11 were objected to as being dependent upon a rejected base claim; claim 16 was objected to due to informalities; and claim 16 was allowed. The foregoing objections and rejections are respectfully traversed.

Claims 1-16 are pending in the subject application, of which claims 1 and 13-16 are independent claims.

Entry of Amendment After Final Rejection:

The Applicant respectfully asserts that the amendments presented herein require only a cursory review by the examiner, and respectfully requests that the examiner enter such amendments.

Amendments to the Claims:

Claims 10 and 11 are amended into independent form. Independent claims 1 and 13-15 are amended herein to recite that the identification code is issued "while a transaction is in progress." Care has been exercised to avoid the introduction of new matter.

Objections to the Claims:

Claims 10 and 11:

Claims 10 and 11 are amended herein into independent form by incorporating the features of independent claim 1 (not including the amendments to claim 1 herein) from which they both depend. Therefore, independent claims 10 and 11 (as amended herein) should now be allowable.

Claim 16:

In the March 14, 2003 Office Action, the examiner indicated that claim 10, which depended from claim 1, would be allowable if rewritten into independent form. In response thereto, in the July 22, 2003 Amendment, the Applicant added new independent claim 16, which corresponded to dependent claim 10 rewritten into independent form, i.e., including the features of claim 1. The Applicant did not cancel claim 10 because the Applicant amended claims 1 and 10 to change several terms, resulting in newly-added claim 16 having a different scope than claim 1 plus claim 10, as amended.

In the August 27, 2003 Final Office Action, the examiner properly indicated that claim 16 was allowable. However, the examiner also objected to claim 16, and requested that the Applicant amend the term "transaction number" to "identification code," which ironically was one of the changes made to claims 1 and 10 in the July 22, 2003 Amendment. The Applicant felt that the objection to claim 16 was in error, and telephoned the examiner regarding the same. The examiner agreed that claim 16 should be allowable without objection. Therefore, claim 16 is not amended herein, and the Applicant respectfully reminds the examiner of their telephone conversation. As a result, claim 16 should be deemed allowable without a requirement to amend any language therein.

Rejections of the Claims:

The examiner stated that "Herman fails to explicitly disclose the step of displaying an identification code on a terminal," (Office Action, p. 3, 6) but cites Houvener as discussing the same at column 6, line 59 to column 7, line 7. Houvener discusses receiving a credit approval code and an identity verification from a credit authorization agency (CAA) (Houvener, col. 6, lines 61-62). Houvener also discusses displaying the credit approval code on a point of identification terminal (Houvener, col. 7, lines 4-7).

Apparently, the examiner is reading the term "credit approval code" and the display thereof in Houvener as discussing the display of the identification code in the present invention. However, the credit approval code discussed in Houvener is a code that is received from a credit authorization agency (CAA) to indicate whether a particular credit card account is valid and within a pre-approved credit limit (Houvener, col. 6, lines 52-55), and is distinguished from

the identity verification in column 6, line 62.

Houvener does not disclose or suggest displaying the identity verification on the point of identification terminal. Although Houvener discusses displaying the credit approval code on the point of identification terminal as discussed above, Houvener distinguishes the credit approval code from the identity verification in column 6, line 62 by referring to them separately and not as interchangeable terms. Clearly, displaying a credit approval code is not the same as displaying an identification code. Therefore, both Herman and Houvener do not disclose or suggest each and every element of the claimed invention, e.g., the display of the identification code, as recited in independent claims 1 and 13-15.

In addition, the examiner has failed to provide the proper motivation to combine Herman and Houvener. The examiner stated that Herman's Smart Receipts are comparable to the identification codes of the present invention (Office Action, p. 3, 6). In contrast to the credit approval code of Houvener, the Smart Receipts discussed in Herman electronically document a transaction between two parties (Herman, Abstract). Someone of ordinary skill in the art at the time of the invention would not have been motivated to combine the Smart Receipts of Herman with the display of the credit approval code of Houvener to get the display of the identification code in the present invention, because the Smart Receipts of Herman are not at all related to the displayed credit approval code of Houvener. Further, as argued above, Houvener does not disclose or suggest the display of the identity verification, so there is no motivation to combine the undisplayed identity verification of Houvener with the Smart Receipts of Herman to get the display of the identification code in the present invention.

Herman discusses providing intelligent receipts, called Smart Receipts, that electronically document a transaction between two parties (Herman, Abstract).

In contrast, the term "receipt information" in independent claims 1 and 13-15 comprises information that is assigned when an order is received. Herman uses the term "receipt" to refer to the evidence of a completed transaction. The difference is that the receipt in Herman is issued after a transaction is complete, whereas the receipt information in the present invention is issued while the transaction is in progress, e.g., when an order is received. Specifically, independent claims 1 and 13-15 (as amended herein) recite that the identification code is issued "while a transaction is in progress."

Therefore, independent claims 1 and 13-15 are patentably distinguishable over the cited references. In addition, dependent claims 2-9 and 12 are allowable based in part on their dependency, directly or indirectly, from one of independent claims 1 and 13-15.

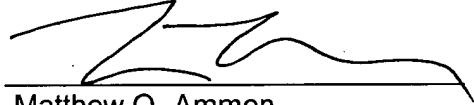
Withdrawal of the foregoing objections and rejections is respectfully requested.

There being no further objections or rejections, it is submitted that the application is in condition for allowance, which action is courteously requested. Finally, if there are any formal matters remaining after this response, the examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12.19.2003

By: 

Matthew Q. Ammon
Registration No. 50,346

1201 New York Avenue, N.W., Suite 700
Washington, D.C. 20005
(202) 434-1500